

M.R. 3140

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered August 6, 2010.

(Deleted material is struck through and new material is underscored.)

Effective September 15, 2010, Supreme Court Rules 501, 503, 529, 551, and 553 are amended as follows.

Amended Rule 501

Rule 501. Definitions

(a) Bond Certificates. Bail security documents which also guarantee payment of judgments for fines, penalties and costs, not to exceed ~~\$105~~ \$160 for any single offense or ~~\$300~~ \$500 for multiple offenses arising out of the same occurrence (auto bond certificates), or not to exceed ~~\$300~~ \$500 for any single offense covered by Rule 526(b)(1) (truck bond certificates), which are issued or guaranteed, in counties other than Cook, by companies or membership associations authorized to do so by the Director of Insurance, State of Illinois, under regulations issued by this court. (Note: Copies of these regulations may be obtained by writing to: Director, Administrative Office of the Illinois Courts, 3101 Old Jacksonville Road, Springfield, IL 62704–6488.) The privilege of issuing bond certificates for use in Cook County shall be governed by rule of the Circuit Court of Cook County. (Note: Copies of the Cook County rule may be obtained by writing to: Office of the Chief Judge, Richard J. Daley Center, Chicago IL 60602.)

(b) Cash or Cash Bail. United States currency; transfer of United States currency by means of credit cards, debit cards, or electronic fund transfer; traveler's checks issued by major banks or express companies

which, alone or in combination with currency, total the exact amount required to be deposited as bail; and negotiable drafts on major credit card companies, under conditions approved by the Administrative Director.

(c) Conservation Offense. Any case charging a violation listed below, except any charge punishable upon conviction by imprisonment in the penitentiary:

- (1) The Fish and Aquatic Life Code, as amended (515 ILCS 5/1–1 *et seq.*);
- (2) The Wildlife Code, as amended (520 ILCS 5/1.1 *et seq.*);
- (3) The Boat Registration and Safety Act, as amended (625 ILCS 45/1–1 *et seq.*);
- (4) The Park District Code, as amended (70 ILCS 1205/1–1 *et seq.*);
- (5) The Chicago Park District Act, as amended (70 ILCS 1505/ 0.01 *et seq.*);
- (6) The State Parks Act, as amended (20 ILCS 835/ 0.01 *et seq.*);
- (7) The State Forest Act, as amended (525 ILCS 40/ 0.01 *et seq.*);
- (8) The Forest Fire Protection District Act, as amended (425 ILCS 40/ 0.01 *et seq.*);
- (9) The Snowmobile Registration and Safety Act, as amended (625 ILCS 40/1–1 *et seq.*);
- (10) The Endangered Species Protection Act, as amended (520 ILCS 10/1 *et seq.*);
- (11) The Forest Products Transportation Act, as amended (225 ILCS 740/1 *et seq.*);
- (12) The Timber Buyers Licensing Act, as amended (225 ILCS 735/1 *et seq.*);
- (13) The Downstate Forest Preserve District Act, as amended (70 ILCS 805/ 0.001 *et seq.*);
- (14) The Exotic Weed Act, as amended (525 ILCS 10/1 *et seq.*);
- (15) The Hunter Interference Prohibition Act, as amended (720 ILCS 125/ 0.01 *et seq.*);
- (16) The Ginseng Harvesting Act, as amended (525 ILCS 20/ 0.01 *et seq.*);

(17) The Cave Protection Act, as amended (525 ILCS 5/1 *et seq.*);

(18) Any regulations, proclamations or ordinances adopted pursuant to any code or act named in this Rule 501(c);

(19) Ordinances adopted pursuant to the Counties Code for the acquisition of property for parks or recreational areas (55 ILCS 5/5–1005(18)).

(d) Driver’s License. A current driver’s license certificate issued by the Secretary of State of Illinois. However, restricted driving permits, judicial driving permits, instruction permits, probationary licenses or temporary licenses issued under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6–100 *et seq.*) shall not be accepted in lieu of or in addition to bail amounts established in Rule 526.

(e) Unit of Local Government. Any county, municipality, township, special district, or unit designated as a unit of local government by law.

(f) Traffic Offense. Any case which charges a violation of any statute, ordinance or regulation relating to the operation or use of motor vehicles, the use of streets and highways by pedestrians or the operation of any other wheeled or tracked vehicle, including cases charging violations under chapter 6 of the Illinois Vehicle Code, as amended (625 ILCS 5/6–100 *et seq.*), but excluding cases in which a ticket was served by “tie-on,” “hang-on,” or “appended” methods and cases charging violations of:

(1) Section 9–3(b) of the Criminal Code of 1961, as amended (reckless homicide) (720 ILCS 5/9–3(b));

(2) Section 12–5 of the Criminal Code of 1961, as amended (reckless conduct) (720 ILCS 5/12–5);

(3) Article I of chapter 4 of the Illinois Vehicle Code, as amended (anti-theft laws) (625 ILCS 5/4–100 *et seq.*);

(4) Any charge punishable upon conviction by imprisonment in the penitentiary;

(5) “Jay walking” ordinances of any unit of local government;

(6) Any conservation offense (see Rule 501(c)).

(g) Promise to Comply. An option available to residents of other member jurisdictions of the Nonresident Violator Compact of 1977 (625 ILCS 5/6–800 *et seq.*) to obtain release from custody without bail following arrests on view for minor traffic offenses (see 625 ILCS 5/6–306.4(a)) by

signing a written promise to comply with the terms of the Uniform Citation and Complaint (625 ILCS 5/6–306.4). Residents of Illinois, and nonresidents charged with traffic offenses specified in section 6–306.4(b) of the Illinois Vehicle Code, as amended (625 ILCS 6–306.4(b)), shall not be released on a promise to comply, but must post bail or secure release in accordance with these rules.

(h) Individual Bond. Bonds authorized without security for persons arrested for or charged with offenses covered by Rules 526, 527 and 528 who are unable to secure release from custody under these rules (see Rule 553(d)).

Amended effective October 7, 1970; amended January 31, 1972, effective March 1, 1972; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010.

Amended Rule 503

Rule 503. Multiple Charges Under These Rules

(a) Amount of Bail–Hearing Date. Police officers should refrain from issuing multiple citations for offenses arising out of the same occurrence. A person arrested and charged with more than one offense arising out of the same occurrence when the bail is established for each such offense under Rule 526, 527 or 528 shall be released from custody as follows:

(1) If bail for each such offense is established by Rule 526, and the accused is eligible for release on each charge by a promise to comply pursuant to section 6–306.4 of the Illinois Vehicle Code, as amended (625 ILCS 5/6–306.4), he or she may elect to be released by executing the written promise on the complaint copy; a court appearance shall be

required on each charge.

(2) In all other cases, the accused shall be released from custody after posting bail on the charge for which the highest bail is required, and, except as provided below, a court appearance shall be required on each charge. Whether a court appearance will be required for any other offenses charged at the same time as an offense requiring bail under Rule 526(b)(1) will be determined without regard to such truck violations. A separate bail shall be required for each case involving truck violations under Rule 526(b)(1) or similar municipal ordinances, and all such charges may be satisfied without a court appearance under Rule 529.

(3) No court appearance shall be required under this rule where all charges are traffic and conservation offenses which may be satisfied without a court appearance under Rule 529 and the accused elects to post separate cash bail on each such charge.

(4) No court appearance shall be required under this rule where all charges are traffic offenses which may be satisfied without a court appearance under Rule 529, the separate bails required for all such charges do not exceed ~~\$300~~ \$500, and the accused has deposited an approved bond certificate in lieu of bail; in such event, if the accused does not appear on the date set for appearance, or any date to which the case(s) may be continued, it shall be presumed he has elected to post separate bails and consented to the entry of *ex parte* judgment on each such charge (see Rule 556(b)).

All such charges, whenever practicable, should be set for hearing on the same day in the same court, to be disposed of at the same time (see Rule 501(b) for definition of "Cash Bail").

(b) New Bail—Application of Bail and Return of Balance. After final disposition of a charge for which bail was posted, the court shall set new bail in a single amount to cover any concurrent charges which may be continued for further hearing at a future date. The clerk may apply any cash or security originally posted as bail to payment of any fine, penalties and costs due on the charge for which bail was originally posted or any other charge disposed of at the same time, but shall return any remaining balance to the accused and shall not retain the balance to apply, in whole or in part, to any new bail set by the court, without the consent of the accused.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended September 30, 2002, effective immediately; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010.

Amended Rule 529

Rule 529. Fines, Penalties and Costs on Written Pleas of Guilty in Minor Traffic and Conservation Offenses

(a) Traffic Offenses. All traffic offenses, except those requiring a court appearance under Rule 551 and those involving offenses set out in Rule 526(b)(1), may be satisfied without a court appearance by a written plea of guilty, with the exception of electronic pleas unless authorized by the Supreme Court, and payment of fines, penalties and costs, equal to the bail required by Rule 526 unless an order of failure to appear to answer the charge has been entered pursuant to Rule 556(a), in which case the fine, penalties and costs shall be equal to the amount of the required bail, plus an additional penalty of \$35. The balance remaining after deducting the amounts required by sections 27.3a and 27.3c of the Clerks of Courts Act (705 ILCS 105/27.3a, 27.3c) shall be distributed as follows:

- (1) 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case;
- (2) 16.825% shall be disbursed to the State Treasurer; and
- (3) 38.675% shall be disbursed to the county's general corporate fund.

No other fines, fees, penalties or costs shall be assessed in any case which is disposed of on a written plea of guilty without a court appearance under paragraph (a) of Rule 529. A charge of violating section 15–111 or offenses punishable by fine pursuant to sections 15–113.1, 15–113.2 or 15–113.3 of the Illinois Vehicle Code (truck overweight and permit moves) (625 ILCS

5/15–111, 15–113.1 through 15–113.3), or similar municipal ordinances, may be satisfied without a court appearance by a written plea of guilty and payment of the minimum fine fixed by statute, plus all applicable penalties and costs (see Rule 526(b)(1)). Fines, penalties, and costs shall be disbursed by the clerk pursuant to statute.

(b) Conservation Offenses. Conservation offenses for which ~~\$75~~ \$120 cash bail is required under Rule 527 may be satisfied without a court appearance by a written plea of guilty, with the exception of electronic pleas unless authorized by the Supreme Court, and payment of fines, penalties and costs, equal to the cash bail required by Rule 527. The balance remaining after deducting the amounts required by sections 27.3a and 27.3c of the Clerks of Courts Act (705 ILCS 105/27.3a, 27.3c) shall be distributed as follows:

- (1) 67% shall be disbursed to the entity authorized by law to receive the fine imposed in the case;
- (2) 16.825% shall be disbursed to the State Treasurer; and
- (3) 16.175% shall be disbursed to the county's general corporate fund.

No other fines, fees, penalties or costs shall be assessed in any case which is disposed of on a written plea of guilty without a court appearance under paragraph (b) of this Rule 529.

(c) Supervision on Written Pleas of Guilty. In counties designated by the Conference of Chief Circuit Judges, the circuit court may by rule or order authorize the entry of an order of supervision under section 5–6–3.1 of the Unified Code of Corrections (730 ILCS 5/5–6–3.1), for traffic offenses satisfied pursuant to paragraph (a) of this Rule 529. Such circuit court rule or order may include but does not require a program by which the accused, upon payment of the fines, penalties and costs equal to bail required by Rule 526, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered.

(d) The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases where a defendant enters a guilty plea under this rule. The clerk of the circuit court shall disburse fines, penalties, and costs

as provided for in paragraph (a) of this Rule 529.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended September 20, 1979, effective October 15, 1979; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 20, 1991, effective January 1, 1992; amended June 12, 1992, effective July 1, 1992; amended January 20, 1993, effective immediately; amended May 24, 1995, effective January 1, 1996; amended April 1, 1998, effective immediately; amended March 16, 2001, effective immediately; amended December 5, 2003, effective January 1, 2004; amended August 6, 2010, effective September 15, 2010.

Amended Rule 551

Rule 551. Traffic and Conservation Offenses for Which a Court Appearance is Required

A court appearance is required for:

(a) All alleged Class A and Class B misdemeanor violations of the Illinois Vehicle Code, as amended (625 ILCS 5/1–100 *et seq.*).

(b) All alleged violations of the following specified sections:

ILCS	Description
625 ILCS 5/3–707	Operating Without Insurance
625 ILCS 5/3–708	Operating When Registration Suspended for Noninsurance
625 ILCS 5/6–101	No Valid Driver’s License
625 ILCS 5/6–104	Violation of Classification

625 ILCS 5/6–113	Operating in Violation of Restricted License or Permit
625 ILCS 5/6–301	Unlawful Use of License or Permit
625 ILCS 5/11–409	Making False Report
625 ILCS 5/11–504	Drag Racing
625 ILCS 5/11–601(b)	Speeding–Only when more than 30 mph over the Posted Limit
625 ILCS 5/11–1414(a)	Passed School Bus–Loading or Unloading
625 ILCS 5/15–112(g)	Refusal to stop and submit vehicle and load to weighing after being directed to do so by an officer, or removal of load prior to weighing
625 ILCS 5/15–301(j)	Violation of Excess Size or Weight Permit

(c) All alleged violations of the Child Passenger Protection Act, as amended (625 ILCS 25/1 *et seq.*).

(d) Any traffic offense which results in an accident causing the death of any person or injury to any person other than the accused.

(e) Conservation offenses for which more than \$75 \$120 bail is required under Rule 527, or for which civil penalties are required under section 20–35 of the Fish and Aquatic Life Code, as amended (515 ILCS 5/20–35) or section 3.5 of the Wildlife Code, as amended (520 ILCS 5/3.5).

(f) Offenses arising from multiple charges as provided in Rule 503.

(g) Violation of any ordinance of any unit of local government defining offenses comparable to those specified in subparagraphs (a), (b), (c), (d) and (h) of this Rule 551.

(h) Any minor traffic offense where the statutory minimum fine is greater than \$95, except those offenses involving truck violations under Rule 526(b)(1) or similar municipal ordinances.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended September 20, 1979, effective October 15, 1979; amended December 22, 1981, effective January 15, 1982; amended April 27, 1984, effective July 1, 1984; amended March 27, 1985, effective May 1, 1985; amended June 26, 1987, effective August 1, 1987; amended June 19, 1989, effective August 1, 1989; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended March 26, 1996, effective May 1, 1996; amended September 30, 2002, effective immediately; amended August 6, 2010, effective September 15, 2010.

Amended Rule 553

Rule 553. Posting Bail or Bond

(a) By Whom and Where Taken. The several circuit clerks, deputy circuit clerks and law enforcement officers designated by name or office by the chief judge of the circuit are authorized to let to bail any person arrested for or charged with an offense covered by Rules 526, 527 and 528. Upon designation by the chief judge of the circuit, bail may be taken in accordance with this article in any county, municipal or other building housing governmental units, police station, sheriff's office or jail, or district headquarters building of the Illinois State Police. Bail deposits by credit card, debit card or by any other electronic means may only be accepted upon the approval of the chief judge and the circuit clerk's ability to accept such deposits. Individual bonds under paragraph (d) of this rule may additionally be taken as designated by the chief judge of the circuit.

(b) Copy of Bond—Receipt for Cash Bail. A carbon copy of the bond or an official receipt showing the amount of cash bail posted, specifying the

time and place of court appearance, shall be furnished to the accused and shall constitute a receipt for bail. The bond or cash bail, or both, shall be delivered to the office of the circuit clerk of the county in which the violation occurred within 48 hours of receipt or within the time set for the accused's appearance in court, whichever is earlier (see Rule 501(b) for definition of "Cash Bail").

(c) Driver's License or Bond Certificate. If an accused deposits a driver's license with the arresting officer in lieu of bail or in addition to bail, or deposits a bond certificate, the arresting officer shall note that fact on the accused's copy of the ticket and transmit the driver's license or bond certificate to the clerk within the time provided in paragraph (b) of this rule.

(d) Individual Bond. Persons arrested for or charged with an offense covered by Rules 526, 527 and 528 who are unable to secure release from custody under these rules may be released by giving individual bond (in the amount required by this article) by those law enforcement officers designated by name or office by the chief judge of the circuit, except when the accused is (1) unable or unwilling to establish his identity or submit to being fingerprinted as required by law, (2) is charged with an offense punishable by imprisonment and will pose a danger to any person or the community, or (3) elects release on separate bail under Rule 503(a)(3) or 503(a)(4). Persons required to deposit both bail and driver's license under Rule 526(e) may be released on \$1,000 individual bond and their current Illinois driver's license. If authorized by the chief judge of the circuit, individual bonds under this paragraph (d) may be executed by signing the citation or complaint agreeing to comply with its conditions.

(e) Alternative Procedure in Minor Cases—Counties Other Than Cook. In any case arising in counties other than Cook, in which the bail or bond specified by Rule 526, 527 or 528 does not exceed ~~\$105~~ \$200 in United States currency, an accused not required to be fingerprinted may place the cash bail or deposit (in the amount required by such rule) in a stamped envelope (to be provided by the arresting officer) addressed to the clerk of the circuit court of the county in which the violation occurred and, in the presence of the arresting officer, deposit that envelope in a United States Postal Service mail box. The accused shall then be released from custody. The appropriate portion(s) of the ticket shall be enclosed with the cash bail or deposit. In rural areas where United States Postal Service mail boxes are not reasonably available, the accused may elect to deposit with a State Police officer, an enforcement officer of the Department of Natural

Resources or Secretary of State, or a sheriff or a deputy sheriff, or other law enforcement officers designated by name or office by the chief judge of the circuit, the sealed envelope containing the cash bail or deposit, rather than having to accompany the arresting officer to the nearest mail box. In such cases, the officer will mail or deliver the sealed envelopes to the clerk of the circuit court before the end of his current tour of duty.

Amended effective October 7, 1970; amended February 17, 1977, effective April 1, 1977, in counties other than Cook, effective July 1, 1977, in Cook County; amended October 17, 1979, effective November 15, 1979; amended December 22, 1981, effective January 15, 1982; amended June 26, 1987, effective August 1, 1987; amended December 7, 1990, effective January 1, 1991; amended June 12, 1992, effective July 1, 1992; amended May 24, 1995, effective January 1, 1996; amended June 11, 2009, effective immediately; amended August 6, 2010, effective September 15, 2010.